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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,982	11/16/2001	Chikashi Satou	110811	8001

25944 7590 07/14/2005

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/987,982

Applicant(s)

SATOU ET AL

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 10, 12, 19-21, 26, 27, 32, 33 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 12, 19-21, 26, 27, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: drawings

## **DETAILED ACTION**

### ***Drawings***

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The proposed drawing correction of figure 2 was received on 4/25/05. This correction is not approved since the term "related" is not synonymous with "prior."

### ***Election/Restrictions***

3. Newly submitted claims 37-40 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 37-40 claim a motor which is a subcombination usable with the claimed subcombination of the display unit.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 37-40 are withdrawn from consideration

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as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 10, 12, 19-21, 26, 27, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1,588,880.

Re: claim 1, GB 1,588,880 shows a range shift display unit, as in the present invention, comprising: a target range detecting means 10, display processing means and display 63,73, shift means, shift processing means and shift position detection means 20, 30 wherein page 2, lines 105 to 121 describe that display portion 73 is made to blink, as the first method, when a driver has wished to change gears; and display portion 73 would be lit up continuously, as a second method, when the gears are fully engaged. GB 1,588,880 further shows in page 3, lines 66-73 that the display unit can be made for a gear box with more than two gear groups. It is believed that a car inherently would have more than two gear groups and would also include a parking mechanism. Hence the amended portion of claim 1 is being treated as an inherent feature of a car.

Re: claim 10, GB 1,588,880 shows shift means 20, 30 to be solenoid valves.

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Re: claim 12, GB 1,588,880 shows a range shift display method, as in the present invention, comprising: detecting a target range selected by a driver with switch 10; generating a signal, driving a portion of a display 73 by two methods, blinking and lit up continuously; disposing shift means, generating pressure with means 20, 30; display a plurality of portions of display 63, 73; wherein page 2, lines 105 to 121 describe that display portion 73 is made to blink, as the first method, when a driver has wished to change gears; and display portion 73 would be lit up continuously, as a second method, when the gears are fully engaged. GB 1,588,880 further shows in page 3, lines 66-73 that the display unit can be made for a gear box with more than two gear groups. It is believed that a car inherently would have more than two gear groups and would also include a parking mechanism. Hence the amended portion of claim 12 is being treated as an inherent feature of a car.

Re: claim 19, GB 1,588,880 shows a range shift display unit, as in the present invention, comprising: a target range detecting means 10, display processing means and display 63,73 that can be selected by the driver, shift means, shift processing means and shift position detection means 20, 30 wherein page 2, lines 105 to 121 describe that display portion 73 is made to blink, as the first method, when a driver has wished to change gears and during the transient ranges while the gears are being changed; and display portion 73 would be lit up continuously, as a second method, when the gears are fully engaged. Note that the duration while the gears are being changed, portion 73 is made to blink. This duration is considered "transient ranges".

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Note that without a selection from a driver, none of the display portions 63 and 73 would be lighted.

Re: claim 20, this claimed feature is inherent in a motor vehicle.

Re: claim 21, GB 1,588,880 shows shift means 20, 30 to be solenoid valves.

Re: claim 26, GB 1,588,880 shows a range shift display method, as in the present invention, comprising: detecting a target range selected by a driver with switch 10; generating a signal, driving a portion of a display 73 by two methods, blinking and lit up continuously; disposing shift means, generating pressure with means 20, 30; display a plurality of portions of display 63, 73 that can be selected by the driver; wherein page 2, lines 105 to 121 describe that display portion 73 is made to blink, as the first method, when a driver has wished to change gears and during the transient ranges while the gears are being changed; and display portion 73 would be lit up continuously, as a second method, when the gears are fully engaged. Note that the duration while the gears are being changed, portion 73 is made to blink. This duration is considered "transient ranges". Note that without a selection from a driver, none of the display portions 63 and 73 would be lighted.

Re: claim 27, this claimed feature is inherent in a motor vehicle.

Re: claim 32, GB 1,588,880 shows a range shift display unit, as in the present invention, comprising: a controller as shown in the figure, a target range detecting means 10, display processing means and display 63,73, shift means, shift processing means and shift position detection means 20, 30 wherein page 2, lines 105 to 121 describe that display portion 73 is made to blink, as the first method, when a driver has

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wished to change gears; and display portion 73 would be lit up continuously, as a second method, when the gears are fully engaged. GB 1,588,880 further shows in page 3, lines 66-73 that the display unit can be made for a gear box with more than two gear groups. It is believed that a car inherently would have more than two gear groups and would also include a parking mechanism. Hence the amended portion of claim 32 is being treated as an inherent feature of a car.

Re: claim 33, GB 1,588,880 shows a range shift display unit, as in the present invention, comprising: a controller as shown in the figure, a target range detecting means 10, display processing means and display 63,73, shift means, shift processing means and shift position detection means 20, 30 wherein page 2, lines 105 to 121 describe that display portion 73 is made to blink, as the first method, when a driver has wished to change gears and during the transient ranges while the gears are being changed; and display portion 73 would be lit up continuously, as a second method, when the gears are fully engaged. Note that the duration while the gears are being changed, portion 73 is made to blink. This duration is considered "transient ranges".

### ***Response to Arguments***

6. Applicant's arguments filed 4/25/05 have been fully considered but they are not persuasive. Applicant argues that the display unit of document GB 1,588,880 does not comprise a plurality of portions corresponding the each range that can be selected by the driver. The Examiner maintains that the display unit of document GB 1,588,880 does comprise a plurality of portions, which are 63 and 73, corresponding the each

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range that can be selected by the driver because without the selection or any action from the driver, lamps 63 and 73 would not be lit or flashing. Regarding the argument about a parking range. It is believed that a parking range is an inherent feature in a normal car.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen  
Primary Examiner  
Art Unit 3683

*Lan Nguyen*  
7/11/05

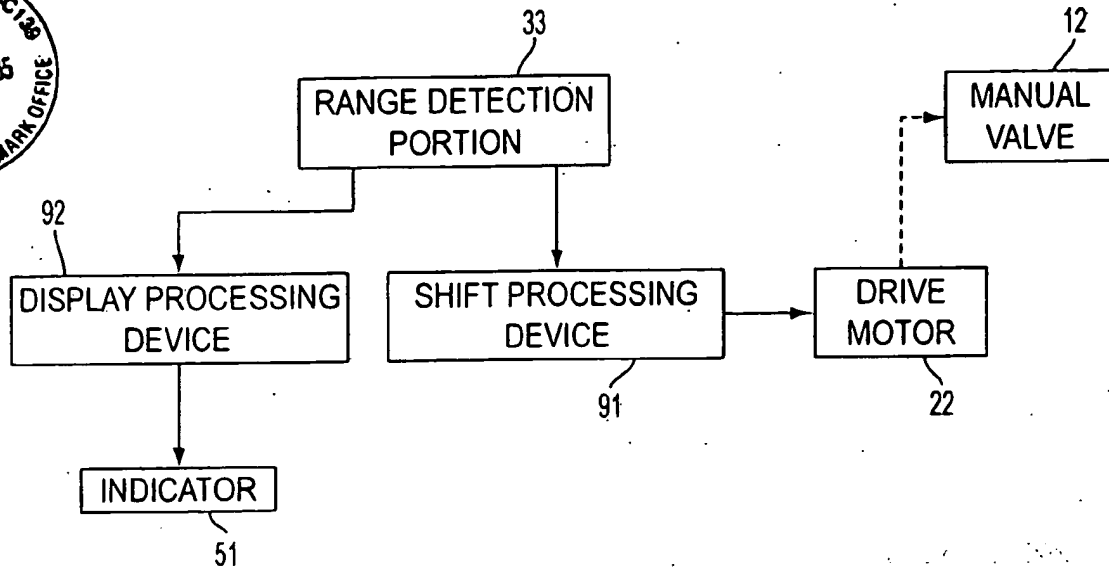


FIG. 1

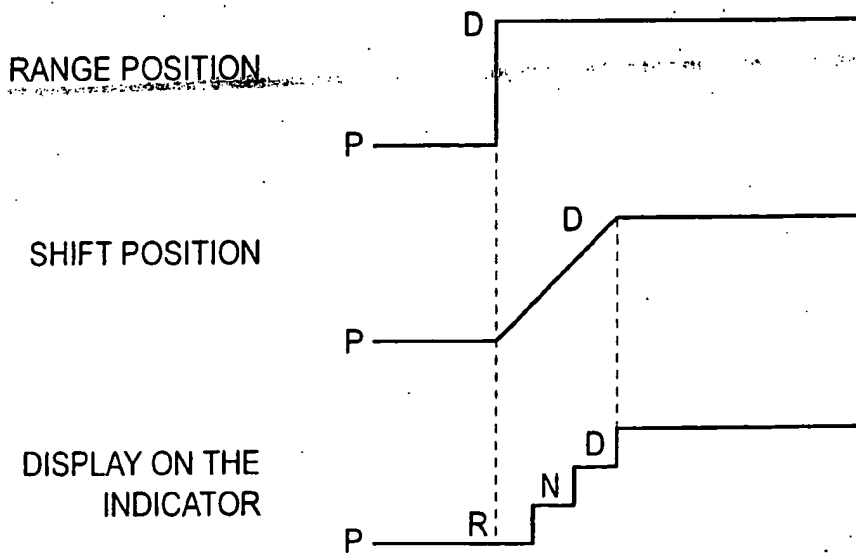


FIG. 2  
RELATED ART

NOT  
approved  
XLN 7/11/05